

REMARKS

Reconsideration and allowance of this application are respectfully requested. Claims 3-4, 11, 13, 53-66, and 105 are canceled. Claims 15-52, 67-104, and 106-108 were withdrawn by the Examiner. Claims 1-2, 5-10, 12, 14, and 109-123 remain in this application and, as amended herein, are submitted for the Examiner's reconsideration.

Claims 14 and 120 have been amended solely to provide proper antecedence and to have the claims better conform to the requirements of U.S. practice. None of these amendments is intended to narrow the scope of any of these claims, and no new matter has been added by these amendments.

In the Office Action, the Examiner indicated that claims 15-52, 67-104, and 106-108 stand withdrawn from further consideration for the reasons given in paragraph 1 of the December 22, 2004 Office Action. Applicants maintain that the withdrawal of these claims is improper for the reasons set out in the Amendment dated March 21, 2005.

Turning now to the art rejections, claims 1-2, 5-10, 12, 14, and 109-123 were rejected under 35 U.S.C. § 103 as being unpatentable over Pare (U.S. Patent No. 5,838,812) in view of Dulude (U.S. Patent No. 6,310,966) and Kawan (U.S. Patent No. 5,796,832). Applicants submit, however, that the claims are patentably distinguishable over the combination of the cited references because the combination does not disclose or suggest all elements of Applicants' independent claims.

The Pare patent describes a transaction in which a buyer uses a point of sale terminal to (i) select merchandise, (ii) enter the buyer's personal authentication information that includes the buyer's biometric information, and (iii) enter the buyer's account information. The point of sale terminal then forms a request with this information and sends the request to the merchant system. The merchant system, in turn, forwards the

entered biometric information in the request to a data processing center (DPC). The DPC compares the entered biometric information with previously registered biometric information, and if a match is found, the DPC sends an authorization message to the merchant system. The merchant system then sends a reply message to the point of sale terminal. (See col. 6, lines 13-31; and col. 28, line 42 - col. 29, line 13).

Thus, *Pare* describes a transaction in which the entered biometric information is sent to a remote location to be verified, namely, to the DPC, rather than being verified at a biometric device. As a result, the merchandise selection and the user account information are transmitted before the user entered biometric information is verified. The patent does not disclose or suggest automatically transmitting the user account information to the merchant system if the entered biometric information matches the registered biometric information, and the patent does not disclose or suggest automatically transmitting a verification signal from the point of sale terminal to the merchant system.

The *Dulude* patent describes an electronic transaction wherein: (i) a user inputs transaction first data (which includes a user ID and may include product selection data or electronic fund transfer data) and transaction biometric data into a transaction transmission section, (ii) the transaction transmission section then sends the transaction first data and the transaction biometric data to a receiving section which compares the transaction biometric data to previously supplied registration biometric data, and (iii) if the transaction biometric data is validated, the receiving section sends a validation signal to a transaction processing system. (See Figs. 4 and 5; col. 5, lines 50-67; col. 7, lines 26-44; and col. 8, lines 1-7).

Dulude thus describes a transaction in which the transaction biometric information is sent to a remote location to be verified, namely, to the receiving section, rather than being verified at a biometric device. The user data and the transaction-related data are therefore transmitted before the transaction biometric data is validated. The patent does not disclose or suggest automatically transmitting, if the transaction biometric data substantially matches the registration biometric data, the user data and the transaction-related data. Also, the patent does not disclose or suggest automatically transmitting a verification signal from the transaction transmission section to the receiving section.

The *Kawan* patent describes a financial transaction in which: (i) a user inserts a smart card into a smart card reader of a terminal, (ii) the smart card then encrypts its stored information that identifies the user's financial institution and account number, (iii) the smart card transmits the encrypted information to the terminal which, in turn, forwards the encrypted information to a host computer associated with a financial institution for verification, (iv) the host computer then transmits authorization to the terminal, (v) the user next enters a request for an account balance or to add value to the smart card, and thereafter (vii) the terminal transmits the request to the host terminal. (See Figs. 1 and 4; and col. 5, lines 1-30). Thus, *Kawan* describes a transaction in which, after authorization is obtained, the user must manually enter the request and the terminal then transmits the request.

Kawan also describes that a fingerprint or other biometric parameter may be provided for identification, together with insertion of the smart card, to obtain entry into a building. (See col. 8, lines 46-54). The patent does not disclose or suggest using the biometric parameter for verification during the financial transaction described above.

Therefore, Kawan neither discloses nor suggests automatically transmitting the request, Kawan neither discloses nor suggests automatically transmitting if the provided biometric parameter generated by the user matches a stored biometric parameter, and Kawan neither discloses nor suggests automatically transmitting a verification signal from the terminal of the smart card reader to the host terminal.

Therefore, even if the references are combined as asserted by the Examiner, the asserted combination would not disclose or suggest automatically transmitting from a communication device over the network to a provider if a generated unique identification trait substantially matches a stored unique identification trait. Moreover, the asserted combination would not disclose or suggest automatically transmitting, from a communication device over a network to a provider, a verification signal indicating that a generated unique identification trait and a stored unique identification trait substantially match.

Neither Pare, Dulude, nor Kawan discloses or suggests:

automatically transmitting from said communication device over said network to said provider, if said generated unique identification trait substantially matches said stored unique identification trait, both said information needed to complete said transaction and a verification signal indicating that said generated unique identification trait and said stored unique identification trait substantially match

as recited in claim 1.

It follows that neither Pare, Kawan, nor Dulude, whether taken alone or in combination, discloses or suggests the method set out in claim 1, and claim 1 is therefore patentably distinct and unobvious over the cited references.

Claims 2, 5-10, 12, 14, and 109-110 depend from claim 1 and are distinguishable over the cited art for at least the same reasons.

Independent claim 111 is directed to a communications device and includes means-plus-function elements that perform operations similar to those recited in claim 1. Claim 111 is therefore patentably distinguishable over the Pare, Kawan, and Dulude references for at least the same reasons.

Claims 112-122 depend from claim 111 and, for at least the same reasons, are distinguishable over the cited art.

Independent claim 123 is directed to a communications device and defines specific structure that carries out operations similar to those recited in claim 1. It follows that claim 123 is patentably distinguishable over the Pare, Kawan, and Dulude patents at least for the same reasons.

Accordingly, Applicants respectfully request the Examiner withdraw the rejection under 35 U.S.C. § 103.

Applicants believe that all of the rejections set forth in the Official Action have been fully answered, and they ask for favorable reconsideration and allowance. If, however, for any reason the Examiner does not believe that such action can be taken at this time, Applicants respectfully request that the Examiner telephone Applicants' attorney at (908) 654-5000 in order to overcome any additional objections which the Examiner might have.

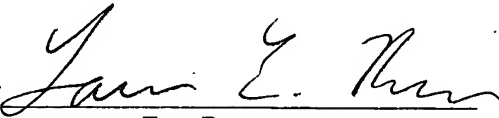
Application No.: 10/014,112

Docket No.: SONY 3.0-020

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

Dated: August 18, 2005

Respectfully submitted,

By 

Lawrence E. Russ

Registration No.: 35,342

LERNER, DAVID, LITTENBERG,

KRUMHOLZ & MENTLIK, LLP

600 South Avenue West

Westfield, New Jersey 07090

(908) 654-5000

Attorney for Applicants

584168_2.DOC